



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,578	09/18/2000	Stephen C. Roderick	130244	3952
25943 7590 06/12/2008 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204				
EXAMINER BASHORE, WILLIAM L				
ART UNIT		PAPER NUMBER		
2175				
MAIL DATE		DELIVERY MODE		
06/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/664,578

Applicant(s)

RODERICK, STEPHEN C.

Examiner

WILLIAM L. BASHORE

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6, 10, 11, 23, 26-28, 31-33 and 35-45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-6, 10, 11, 23, 26-28, 31-33, 35-38, 40-43 and 45 is/are rejected.
7) ☒ Claim(s) 39 and 44 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE filed 3/28/2008 to the original application filed 9/18/2000, IDS filed 1/4/2002. Application is a continuation of U.S. Application serial no. 09/228,259 filed **1/11/1999** (now U.S. Patent No. 6,122,648).
2. Claims 3-6, 10, 11, 23, 26-28, 31-33, 35-45 pending. Claim 36 has been canceled. Claims 40-45 have been added. Claims 27, 31, 40 are independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/28/2008 has been entered.

Allowable Subject Matter

3. **Claims 39, 44 are objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2175

5. **Claims 27, 31, 3, 6, 10-11, 23, 26, 28, 32-33, 35-38, 40-43, 45 are rejected under 35 U. S. C. 103 (a) as being unpatentable over Blinn et al (5,897,622), in view of Wolff (6,247,047), and in view of Bezos et al. (6,029,141).**

As per independent apparatus claim 27 (and similarly, storage medium claim 31, and claim 40), Blinn discloses processing queries, including the dynamic generation of web pages (see columns 3-4), in which a page is composed for display by processing a template having a request for information (query) from an order. Refer also to Blinn's figures 1, 2, 3A, 3B, 5, 10, 12, 14, in which various embodiments illustrating the operation of the dynamic page generator are disclosed, including a processor, storage device, presenting (i.e. provisioning) information to a user etc.

Blinn teaches a URL with a server and various identifiers (Blinn column 7 lines 14-26). Blinn does not specifically teach a product identifier immediately following a server name (separated by a separator). However, Wolff teaches a URL banner with a server name (www.bannerbuy.com) with a unique product identifier (e.g. unique indicia reflective of a product) immediately appended after said server and separator (www.bannerbuy.com/12345) (see Wolff Figure 2 item 104, also Abstract, and column 8 lines 35-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Wolff to Blinn, providing Blinn the benefit of adaptation to various typical types of URL resource calls.

Blinn does not specifically teach a "pseudo" resource identifier, with identification of a marketing source (Internet or non-Internet) marketing code. However, Bezos teaches an Internet based customer referral system comprising a URL address referencing a registered associate (e.g. an associate Web page) within said URL (see Bezos column 12 line 60 to column 13 line 8 – especially "mystoreA"). See also Bezos column 6 lines 30-48, column 7 lines 25-30. It is noted that, although "mystore" is taught as an Internet Web site, Bezos also teaches an associate source using a non-hypertextual catalog (including paper-based catalogs) (Bezos column 8 lines 42-48), and that non Web-based technology can be used (Bezos column 8 lines 32-42). It is also noted that a registered associate such as "mystore" is a media type. Therefore, Bezos's resource identifier can be interpreted as a form of "pseudo" resource identifier, since said identifier identifies the source of marketing (i.e. internet based, or non-Internet based), along with a product identifier (e.g. ISBN number) in the same URL. It is also noted that column 8

Art Unit: 2175

lines 42-48 declares an associate as a non-Internet source (a paper catalog), said catalog instructing a user to input a URL (with the referral info.) into a browser. It is at least obvious to the skilled artisan that Bezos's system knows an associate's source as Internet based, or paper catalog based, so as to pay commissions accordingly, minimize fraud, prevent links to inappropriate sources, etc., therefore the referral information in Bezos's URL can be reasonably interpreted as a form of Internet or non-Internet marketing code. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of increasing sales of products by awarding commissions.

Blinn does not specifically teach maintaining statistics for said marketing codes. However, Bezos teaches report generation software providing information regarding number of books ordered through an associate's links (Bezos column 16 lines 10-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of providing feedback reports to assist the associates in conducting business (see Bezos column 16 lines 27-30).

Regarding "*an industry standard product identifier*" (independent claim 29), Blinn does not specifically teach this. However, Bezos teaches an ISBN number (an industry standard product identifier) embedded within a URL (Bezos column 12 line 60 to column 13 line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of standardization that an industry standard identifier brings.

Blinn does not specifically teach a "type of media", Internet medium, television, print, etc, as well as a buyer's guide. However, Bezos teaches an Internet based customer referral system comprising a URL address referencing a registered associate (e.g. an associate Web page) within said URL (see Bezos column 12 line 60 to column 13 line 8 – especially "mystoreA"). See also Bezos column 6 lines 30-48, column 7 lines 25-30. It is noted that, although "mystore" is taught as an Internet Web site, Bezos also teaches an associate source using a non-hypertextual catalog (including paper-based catalogs) (Bezos column 8 lines 42-48). It is also noted that column 8 lines 42-48 declares an associate as a non-Internet source (a paper catalog), said catalog instructing a user to input a URL (with the referral info.) into a browser. It is at least obvious to the skilled artisan that Bezos's system knows an associate's source as Internet based, or paper catalog based (typically a form of buyer's guide), so as to pay commissions accordingly, minimize fraud, prevent links to inappropriate sources, etc. The referral information in

Art Unit: 2175

Bezos's URL can be reasonably interpreted as a form of Internet or non-Internet marketing code. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of increasing sales of products by awarding commissions, and to provide alternate ways of buying products.

In regard to dependent claim 3, Blinn does not specifically teach an ISPID. However, Bezos teaches an ISBN number (a form of ISPID) (Bezos column 12 line 60 to column 13 line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of standardization (ISPID) that an industry standard identifier (ISBN) brings.

In regard to dependent claim 6, Blinn, Wolff, and Bezos teach queries using an ISBN (a form of ISPID), see above. It is noted that Blinn dynamically creates Web pages accordingly if said page is not already residing in a cache (as is known in the art).

In regard to dependent claims 10, 11, Blinn does not specifically teach automatically and periodically generates marketing reports, or of a user requesting a report on demand. However, Bezos teaches weekly automatic report generation software providing information regarding number of books ordered through an associate's links (Bezos column 16 lines 10-26).

Bezos also teaches that an associate can access an online menu for custom reports, and to set up customized frequency of reports (i.e. on demand, etc.) (Bezos column 16 lines 35-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of providing periodic feedback reports to assist the associates in conducting business (see Bezos column 16 lines 27-30).

In regard to dependent claim 23, Blinn does not specifically teach an ISPID. However, Bezos teaches an ISBN number (a form of ISPID) (Bezos column 12 line 60 to column 13 line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of standardization (ISPID) that an industry standard identifier (ISBN) brings.

In regard to dependent claims 26, 45, Blinn does not specifically teach automatically and periodically generates marketing reports, or of a user requesting a report on demand. However, Bezos teaches weekly automatic report generation software providing information regarding number of books ordered through an associate's links (Bezos column 16 lines 10-26).

Bezos also teaches that an associate can access an online menu for custom reports, and to set up customized frequency of reports (i.e. on demand, etc.) (Bezos column 16 lines 35-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of providing periodic feedback reports to assist the associates in conducting business (see Bezos column 16 lines 27-30).

In regard to dependent claim 28, claim 28 incorporates substantially similar subject matter as claimed in claim 27, and is rejected along the same rationale.

In regard to dependent claim 32, claim 32 incorporates substantially similar subject matter as claimed in claim 31, and is rejected along the same rationale.

In regard to dependent claim 33, Blinn, Wolff, and Bezos teach queries using an ISBN (a form of ISPID), see above. It is noted that Blinn dynamically creates Web pages accordingly if said page is not already residing in a cache (as is known in the art).

In regard to dependent claims 35, 41, Blinn teaches querying a database stored locally (Blinn column 6 lines 25-30). In addition, both Blinn and Wolff teach a URL with a server and various identifiers querying remote sources (see the rejection of claim 29 above).

In regard to dependent claims 37-38, 42-43, Blinn does not specifically teach a "type of media", Internet medium, television, print, etc, as well as a buyer's guide. However, Bezos teaches Bezos teaches an Internet based

Art Unit: 2175

customer referral system comprising a URL address referencing a registered associate (e.g. an associate Web page) within said URL (see Bezos column 12 line 60 to column 13 line 8 – especially “mystoreA”). See also Bezos column 6 lines 30-48, column 7 lines 25-30. It is noted that, although “mystore” is taught as an Internet Web site, Bezos also teaches an associate source using a non-hypertextual catalog (including paper-based catalogs) (Bezos column 8 lines 42-48). It is also noted that column 8 lines 42-48 declares an associate as a non-Internet source (a paper catalog), said catalog instructing a user to input a URL (with the referral info.) into a browser. It is at least obvious to the skilled artisan that Bezos’s system knows an associate’s source as Internet based, or paper catalog based (typically a form of buyer’s guide), so as to pay commissions accordingly, minimize fraud, prevent links to inappropriate sources, etc. The referral information in Bezos’s URL can be reasonably interpreted as a form of Internet or non-Internet marketing code. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of increasing sales of products by awarding commissions, and to provide alternate ways of buying products.

Blinn, Wolff, and Bezos teach queries using an ISBN (a form of ISPID), see above. It is noted that Blinn dynamically creates Web pages accordingly if said page is not already residing in a cache (as is known in the art).

6. Claim 4 is rejected under 35 U. S. C. 103(a) as being unpatentable over Blinn et al., Wolff, and Bezos et al., as applied to independent claim 27 above, and further in view of Bijnagte (5,235,680).

In regard to dependent claims 4, 14, it is noted that Blinn fails to teach details of “real estate identifier” (MLS). However, Bijnagte’s disclosure is directed toward providing real estate information, and in view of Blinn’s disclosure of processing merchant information (see columns 7-12, e.g., column 10, lines 5 et seq.–The merchant system 120 provides a set of HTML, pages dynamically generated from queries to a database 121 having store information, such as inventory data, advertising copy, product images, pricing, customer information and promotions.) One of ordinary skill in the art would be motivated to process queries that include real estate information (i.e. MLS), in order to help the user to narrow searches.

7. **Claim 5 is rejected under 35 U. S. C. 103 (a) as being unpatentable over Blinn et al., Wolff, and Bezos, as applied to independent claim 27 above, and further in view of Kirkevold et al. (6,263,322).**

In regard to dependent claim 5, Blinn et al. does not specifically teach a VIN code. However, Kirkevold et al. teaches querying via VIN code (Kirkevold et al. column 17 lines 35-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kirkevold et al. to Blinn et al., providing Blinn et al. the benefit of vehicle identification as part of resource identifiers, to broaden the scope of querying.

Response to Arguments

8. Applicant's arguments filed 10/15/2007 have been carefully reviewed, but are not persuasive for at least the reasons set forth below.

Applicant argues on page 8 that in either Internet or non-Internet scenerios the URL will be the same, because the only information relevant to Bezos's teachings is the identification of the associate for a commission reward.

The examiner respectfully disagrees. Bezos teaches that a referral associate can be either Internet based (Web page) or non-Internet based (paper catalog). In addition, an indication in the URL of an associate ID as "mystoreA", etc. is a Web site, therefore said Web site can be reasonably interpreted as a "media type". As explained in the last action, in a typical commerce environment (Internet or otherwise), a merchant paying commissions to referral associates must know valid information of all its associates so as to minimize fraud. It is at least obvious to the skilled artisan that said merchant would know the source of the embedded referral information (i.e. Internet based, or non-Internet based), therefore the referral ID itself can reasonably act as a code to specify not only who/what the associate is, but the source as well.

Regarding Bezos column 9 lines 2-5 (argued at page 7 of the amendment), although changing to a different technique (e-mail, PUSH) would not affect the ability of the merchant to identify and credit the associate (as taught by Bezos), nevertheless, it is in the best interest of a commission paying merchant to know the source of referral, so as to minimize fraud and/or embarrassment of an objectionable source (i.e. a cult organization, or an adult themed Web site, etc.).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM L. BASHORE whose telephone number is (571)272-4088. The examiner can normally be reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William L. Bashore/
Primary Examiner, Art Unit 2175

June 8, 2008